



## MEMORANDUM

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July 16, 2009

TO: Board of Mayor and Aldermen

FROM: Eric Stuckey, City Administrator  
Vernon Gerth, ACA - Community and Economic Development  
David Parker, City Engineer

SUBJECT: Amended Ordinance 2009-31 – Connection to Public Sanitary Sewer

### **Purpose**

To confirm the BOMA approved amendments and periodic septic system inspection program discussed during the previous BOMA meeting are properly incorporated into the final draft of Ordinance 2009-31. This ordinance will also appear on the BOMA voting meeting for second and final reading.

### **Background**

During the July 14 meeting, the BOMA amended Ordinance 2009-31 that clarified and afforded property owners the option to remain connected to a functioning septic system if public sanitary sewer service was available to their property. The BOMA also requested staff investigate and propose requirements for the periodic inspection of septic systems. This inspection program will insure septic systems are functioning properly and in accordance with the Williamson County Board of Health regulations or with Tenn. Code Ann. § 68-221-401 *et seq.*

### **Financial Impact**

To be determined. Staff is currently assembling information and identifying properties currently within the city connected to a septic system. Upon completion, staff will determine the resources needed to perform septic system inspections once every three (3) years. The inspections will be performed with trained city employees or through a certified contractor. After staff determines the cost of the inspection to be charged to property owners an ordinance will be presented to the BOMA to codify the fee into Title 22 – Comprehensive Fees and Penalties.

### **Recommendation**

A motion to approve is recommended.

### **Attachments**

- Ordinance 2009-31 as amended

**ORDINANCE 2009-31**

**As Amended**

**TO BE ENTITLED: "AN ORDINANCE TO AMEND TITLE 18,  
CHAPTER 2, SECTION 18-204 OF THE FRANKLIN  
MUNICIPAL CODE TO REVISE THE REQUIREMENTS FOR  
CONNECTION TO THE PUBLIC SANITARY SEWER SYSTEM."**

**WHEREAS**, the Board of Mayor and Aldermen of the City of Franklin, Tennessee, desire to amend the existing time limit to connect to City of Franklin facilities imposed by 18-204(4) from one hundred and eighty (180) days to no time frame should the existing private sewage disposal system be in good working order; and

**WHEREAS**, the Board of Mayor and Aldermen of the City of Franklin, Tennessee, desire to amend Section 18-204(4) requiring immediate application of sanitary sewer service charges to and payment by property owners upon availability of the public sanitary sewer within two hundred (200) feet of the property; and

**WHEREAS**, the Board of Mayor and Aldermen of the City of Franklin, Tennessee, desire to amend Section 18-204(4) requiring immediate connection to City of Franklin facilities if there is a failure of existing facilities.

**NOW, THEREFORE:**

**SECTION I: BE IT ORDAINED BY THE BOARD OF MAYOR AND ALDERMEN OF THE CITY OF FRANKLIN**, Tennessee, that 18-204(4) shall be deleted in its entirety and the following substituted in lieu thereof:

**18-204. Use of public sewers and septic systems where public sewers are provided.**

\* \* \* \*

- (4) **Use of public sewers required.** Except as provided, the owner of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes, situated within the city and abutting on any street, alley, right-of-way or easement in which there is now located or may in the future be located a public sanitary sewer shall connect to the public sanitary sewer system. The connection to the public sanitary sewer system shall be required at the property owner's expense including all applicable connection and tap fees provided said public sewer is within two hundred (200) feet of the property line or easement on which the principal structure is located.

**Exceptions:**

- (a) Immediately, but no instance more than ten (10) days if the owner's private sewage disposal system no longer complies with the Williamson County Board of Health regulations or with Tenn. Code Ann. § 68-221-401 *et seq.*; or
- (b) Immediately, but no instance more than ten (10) days, in the opinion of the City Administrator, conditions on the property pose an unacceptable risk to the public health, safety and welfare.

**SECTION II: BE IT ORDAINED BY THE BOARD OF MAYOR AND ALDERMEN OF THE CITY OF FRANKLIN, Tennessee, that 18-204(5) shall be created and is approved to read as follows:**

- (5) **Use of Septic System where public sewers are provided.** If public sewer is available to properties having functioning septic systems (i.e. sewer lines are adjacent to or within two hundred (200) feet of the property line or easement on which the principal structure is located) property owners may elect not to connect to the public sanitary sewer system provided all of the following requirements and conditions are met.
- (a) A sanitary sewer service charge, based upon water usage, shall be assessed from the date the public sanitary sewer is available. Payment is due monthly. At such time it is determined to connect to the public sanitary sewer system payment of the sanitary sewer service charge shall not relieve the property owner from the requirements of payment of all connection and tap fees as applicable prior to obtaining the permit and authorization to commence work.
  - (b) **On-Site Septic System Inspection.** To determine whether existing septic systems in the City are functioning properly or should be required to connect to the public sewer, property owners with active septic systems shall have their septic systems inspected by the City of Franklin or by a company that is certified by the City of Franklin to perform these inspections every three (3) years. Upon receipt of the inspection notice from the City, property owners shall allow city staff or a certified contractor to perform an inspection of the septic system. The cost for said inspection shall be the responsibility of the property owner and assessed as specified in Title 22 – Comprehensive Fees and Penalties.
  - (c) Upon inspection, if it is determined a septic system is functioning and in compliance with applicable Williamson County Board of Health regulations or with Tenn. Code Ann. § 68-221-401 *et seq.* the property may remain on septic for an additional three (3) years. At such time a septic system is determined to be non-functioning, the property owner shall be required to hook up to public sanitary sewer within ten (10) days.

**SECTION III. BE IT FINALLY ORDAINED BY THE BOARD OF MAYOR AND ALDERMEN OF THE CITY OF FRANKLIN, Tennessee, that this Ordinance shall take effect from and after its passage on second and final reading, the public health, safety and welfare requiring it.**

**ATTEST:**

**CITY OF FRANKLIN, TENNESSEE**

BY: \_\_\_\_\_  
**ERIC S. STUCKEY**  
City Recorder/Administrator

BY: \_\_\_\_\_  
**JOHN C. SCHROER**  
Mayor

PASSED FIRST READING

July 14, 2009

PASSED SECOND READING

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